

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAN PELLEGRINI,

Plaintiff,

vs.

NACHES WONDERLAND
CAMPERS ASSOCIATION, INC.,
et al.,

Defendant.

No. CV-07-351-LRS

**ORDER DENYING
MOTION FOR
RECONSIDERATION**

On November 21, 2007, the court, on its own motion (*sua sponte*), issued an order dismissing Plaintiff's complaint without prejudice, finding it lacked subject matter jurisdiction due to the *Rooker-Feldman* doctrine. Plaintiff was directed to reassert his claims in state court.

Plaintiff has now filed a motion for reconsideration (Ct. Rec. 9), but he states no grounds for reconsideration. "[T]he major grounds that justify reconsideration involve an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." *Pyramid Lake Paiute Tribe v. Hodel*, 882 F.2d 364, 369 n.5 (9th Cir. 1989) (quoting 18 C. Wright, A. Miller & E. Cooper, *Federal Practice and Procedure* § 4478, at 790); see *Frederick S. Wyle P.C. v. Texaco, Inc.*, 764 F.2d 604, 609 (9th Cir. 1985); see also *Keene Corp. v. International Fidelity Ins. Co.*, 561 F. Supp. 656, 665 (N.D. Ill. 1982) (reconsideration available "to correct manifest errors of

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1 law or fact or to present newly discovered evidence"). Such motions are not the
2 proper vehicle for offering evidence or theories of law that were available to the
3 party at the time of the initial ruling. *Fay Corp. v. Bat Holdings I, Inc.*, 651 F.
4 Supp. 307, 309 (W.D. Wash. 1987); see *Keene Corp.*, 561 F. Supp. at 665-66. The
5 foregoing notwithstanding, Plaintiff's motion provides no basis in law or fact to
6 change the Court's earlier ruling.

7 Plaintiff's motion for reconsideration (Ct. Rec. 9) is **DENIED**.

8 **IT IS SO ORDERED.** The District Executive shall forward copies of this
9 order to the Plaintiff and close this file.

10 **DATED** this 4th of December, 2007.

11 *s/Lonny R. Suko*

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13 LONNY R. SUKO
14 United States District Judge